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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

20 UNITED STATES OF AMERICA,) CASE NO.: CR 3-17-71468 NJV
21 Plaintiff,)
22 v.) [PROPOSED] ORDER DETAINING
23 ADRIEN CLIFF THIERRY,) DEFENDANT PRIOR TO TRIAL
24 Defendant.)
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29 On October 16, 2017, a Complaint was filed in the Northern District of California charging
30 Defendant Adrien Cliff Thierry with one count of violating Title 18, United States Code, Section
31 922(g)(1) – Felon in Possession of Firearm. On October 16, 2017, Defendant appeared before
32 Magistrate Judge Corley for arraignment on the Complaint. On October 19, 2017, Defendant appeared
33 before this Court for identification of counsel and detention hearing. Defendant was represented by
34 Assistant Federal Public Defender Elizabeth Falk. Special Assistant United States Attorney Denise Oki
35 represented the United States. The government requested detention, submitting that no condition or
36 combination of conditions would reasonably assure the safety of the community. Pretrial Services
37 submitted a report recommending detention, on grounds of both the Defendant's risk of non-appearance

38 [PROPOSED] ORDER DETAINING DEFENDANT PRIOR TO TRIAL
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1 and danger to the community.

2 Upon consideration of the Pretrial Services report, the court file, and the party proffers at the
3 detention hearing, the Court finds by clear and convincing evidence that no condition or combination of
4 conditions will reasonably assure the safety of the community. Accordingly, the Court orders Defendant
5 detained pending trial.

6 This Order supplements the Court's findings at the detention hearing and serves as written
7 findings of fact and statement of reasons as required by Title 18, United States Code, Section 3142(i).

8 The Bail Reform Act of 1984 sets forth the factors the Court must consider in determining
9 whether pretrial detention is warranted. In coming to its decision, the Court has considered those
10 factors, paraphrased below:

- 11 (1) the nature and seriousness of the offense charged;
- 12 (2) the weight of the evidence against the person;
- 13 (3) the history and characteristics of the person including, among other considerations,
14 employment, past conduct and criminal history, and record of court appearances; and
- 15 (4) the nature and seriousness of the danger to any person or the community that would be posed
16 by the person's release.

17 18 U.S.C. § 3142(g).

18 In considering all of the facts and proffers presented at the hearing, the Court finds the following
19 factors among the most compelling in reaching its conclusion that no combination of conditions can
20 reasonably assure the safety of the community. First, in considering the Defendant's risk of flight, there
21 have been multiple bench warrants issued to the defendant spanning a criminal history that goes back to
22 2001. These bench warrants have been issued for a variety of crimes, including vandalism, obstruction,
23 transportation or sale of controlled substances, and evading peace officer causing injury or death. Most
24 recently, a bench warrant has been issued in July and in September 2017. Second, the defendant's
25 extensive criminal history in combination with a conviction for evading police and having a loaded rifle
26 in the front seat of the defendant's car in the Presidio are factors indicating the Defendant's release
27 would pose a danger to the community.

1 Accordingly, pursuant to 18 U.S.C. § 3142(i), IT IS HEREBY ORDERED THAT:

2 (1) Defendant is committed to the custody of the Attorney General for confinement in a
3 corrections facility;

4 (2) Defendant be afforded reasonable opportunity for private consultation with his counsel; and
5 (3) on order of a court of the United States or on request of an attorney for the government, the
6 person in charge of the corrections facility in which Defendant is confined shall deliver Defendant to an
7 authorized Deputy United States Marshal for the purpose of any appearance in connection with a court
8 proceeding.

9 This Order is without prejudice to reconsideration at a later date if circumstances change.

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11 IT IS SO ORDERED.

12 October 19, 2017



13 HON. NANDOR J. VADAS
United States Magistrate Judge